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**CONTINUED PROSECUTION APPLICATION (CPA)
REQUEST TRANSMITTAL****Submit an original, and a duplicate for processing.**
(Only for Continuation or Divisional applications under 37 CFR 1.53(d))CHECK BOX, if applicable:
☐ DUPLICATE

Address to:

**Commissioner for Patents
Box CPA
Washington, DC 20231**Attorney Docket No. of Prior
Application

23879.0002

First Named Inventor

Xing SU, et al.

Examiner Name

J. TUNG

Group Art Unit

1656

Express Mail Label No.

N/A

This is a request for a ☒ continuation or ☐ divisional application under 37 CFR 1.53(d), (continued prosecution application (CPA)) of prior application number 09/373,984, filed on 16 August 1999, entitled SINGLE-PHASE AMPLIFICATION OF NUCLEIC ACIDS**NOTES****FILING QUALIFICATIONS:** The prior application identified above must be a nonprovisional application that is either (1) complete as defined by 37 CFR 1.51(b), or (2) the national stage of an international application in compliance with 35 USC 371. Effective May 29, 2000, a CPA may only be filed in a utility or a plant application if the prior nonprovisional application was filed before May 29, 2000. A CPA may be filed in a design application regardless of the filing date of the prior application. See "Request for Continued Examination Practice changes to and Provisional Application Practice," Final Rule, 65 Fed. Reg. 50092 (Aug. 16, 2000); Interim Rule, 65 Fed. Reg. 14865 (Mar. 20, 2000), 1233 Off. Gaz. Pat. Office (Apr. 11, 2000).**C-I-P NOT PERMITTED:** A continuation-in-part application cannot be filed as a CPA under 37 CFR 1.53(d), but must be filed under 37 CFR 1.53(b).**EXPRESS ABANDONMENT OF PRIOR APPLICATION:** The filing of this CPA is a request to expressly abandon the prior application as of the filing date of the request for a CPA. 37 CFR 1.53(b) must be used to file a continuation, divisional, or continuation-in-part of an application that is not to be abandoned.**ACCESS TO PRIOR APPLICATION:** The filing of this CPA will be construed to include a waiver of confidentiality by the applicant under 35 USC 122 to the extent that any member of the public who is entitled under the provisions of 37 CFR 1.14 to access to, copies of, or information concerning, the prior application may be given similar access to, copies of, or similar information concerning, the other application or applications in the file jacket.**35 USC 120 STATEMENT:** In a CPA, no reference to the prior application is needed in the first sentence of the specification and none should be submitted. If a sentence referencing the prior application is submitted, it will not be entered. A request for a CPA is the specific reference required by 35 USC 120 and to every application assigned the application number identified in such request, 37 CFR 1.78(a).**WARNING:** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

- ☒ Enter the unentered amendment previously filed on 27 June 2001 under 37 CFR 1.116 in the prior nonprovisional application.
- ☐ A preliminary amendment is enclosed.
- This application is filed by fewer than all the inventors named in the prior application, 37 CFR 1.53(d)(4).
 - ☐ **DELETE** the following inventor(s) named in the prior nonprovisional application:

 - ☐ The inventor(s) to be deleted are set forth on a separate sheet attached hereto.
- ☐ A new power of attorney or authorization of agent (PTO/SB/81) is enclosed.
- Information Disclosure Statement (IDS) is enclosed:
 - ☒ PTO-1449
 - ☒ Copies of IDS Citations

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AUG 02 2001

TECH CENTER 1600/2900

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Box CPA, Washington, DC 20231.

07/31/2001 HVUONG1 00000003 501067 09373984

02 FC:131
03 FC:103710.00 CH
72.00 CH

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CLAIMS	(1) FOR	(2) NUMBER FILED	(3) NUMBER EXTRA	(4) RATE	(5) CALCULATIONS
TOTAL CLAIMS (37 CFR 1.16(c) or (j))		24- 20* =	-4-	x \$18 =	\$72.00
INDEPENDENT CLAIMS (37 CFR 1.16(b) or (i))		1 - 3 =	-0-	x \$80 =	\$0.00
MULTIPLE DEPENDENT CLAIMS (if applicable) (37 CFR 1.16(d))				+ \$270 =	\$0.00
				BASIC FEE (37 CFR 1.16)	\$710.00
				Total of above Calculations =	\$782.00
				Petition for (1) Month Extension of Time =	\$110.00
Reduction by 50% for filing by small entity (Note 37 CFR 1.27).					\$
* Reissue claims in excess of 20 and over original patent.					
** Reissue independent claims over original patent.					
				TOTAL =	\$892.00

6. ☐ Small entity status: Applicant claims small entity status. See 37 CFR 1.27.
7. The Commissioner is hereby authorized to credit overpayments or charge the following fees to Deposit Account No. 50-1067:
- a. ☒ Fees required under 37 CFR 1.16.
- b. ☐ Fees required under 37 CFR 1.17.
- c. ☐ Fees required under 37 CFR 1.18.
8. ☐ A check in the amount of \$_____ is enclosed.
9. ☐ Payment by credit card. Form PTO-2038 is attached.
10. ☐ Applicant requests suspension of action under 37 CFR 1.103(b) for a period of _____ months (not to exceed 3 months) and the fee under 37 CFR 1.17(i) is enclosed.
11. ☒ New Attorney Docket Number, if desired: 23879.0002.
(Prior application Attorney Docket Number will carryover to this CPA unless a new Attorney Docket Number has been provided herein.)
12. a. ☐ Receipt For Facsimile Transmitted CPA (PTO/SB/29A)
- b. ☒ Return Receipt Postcard (Should be specifically itemized, see MPEP 503).
13. ☒ Other: **Petition for One Month Extension of Time**

NOTE:

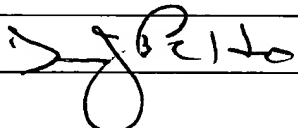
The prior application's correspondence address will carry over to this CPA
UNLESS a new correspondence address is provided below.

14. NEW CORRESPONDENCE ADDRESS

[] Customer Number or Bar Code Label [] or [X] Correspondence address below

Name	McKenna & Cuneo, L.L.P.				
Address	1900 K Street, N.W.				
City	Washington	State	DC	Zip Code	20006
Country	USA	Telephone	202.496.7500	Fax	202.496.7756

15. SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	Don J. Pelto	Registration No. 33,754
Signature		Date 27 July 2001

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of
Xing SU et al.

Serial No. 09/373,984

Filed: 16 August 1999

For: SINGLE-PHASE AMPLIFICATION OF
NUCLEIC ACIDS



Group Art Unit: 1656

Examiner: J. Tung

STATEMENT TO SUPPORT FILING AND SUBMISSION
IN ACCORDANCE WITH 37 CFR 1.821 - 1.825

Commissioner for Patents
Washington, D.C. 20231

Box: SEQUENCE

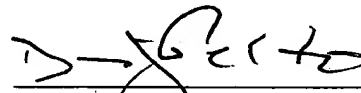
Sir:

In accordance with a Sequence Listing submitted concurrently herewith, the undersigned hereby states that:

1. the submission, filed herewith in accordance with 47 CFR 1.821(g), does not constitute new matter;
2. the content of the attached paper copy and the attached computer readable copy of the Sequence Listing, submitted in accordance with 37 CFR 1.821 (c) and (e), respectively, are the same; and
3. all statements made herein of their own knowledge are true and that all statements made on information and belief are believed to be true; and further, that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent resulting therefrom.

Respectfully submitted,

27 June 2001



Don J. Felto
Reg. No. 33,754

McKenna & Cuneo, L.L.P.
1900 K Street, NW
Washington, DC 20006
Telephone: 202.496.7500
Facsimile: 202.496.7756



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JUN 28 2001

Application No. 09/373,984
TECH. CENTER 1600/2900**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s)

- ☐ 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to these regulations, published at 1114 OG 29, May 15, 1990 and at 55 FR 18230, May 1, 1990.
- ☐ 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- ☐ 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- ☐ 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked -up "Raw Sequence Listing."
- ☐ 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- ☐ 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).
- ☒ 7. Other: See the attached error report

Applicant Must Provide:

- ☒ An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- ☒ An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- ☒ A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

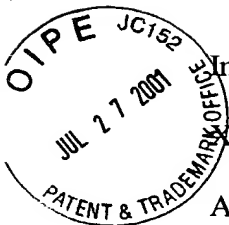
For PatentIn software help, call (703) 308-6856

PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR RESPONSE

CPA/1656\$

Attorney Docket No. 23879.0002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE



In re Patent Application of

King SU et al.

Application No.: 09/373,984

Attn: **BOX CPA**

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TECH CENTER 1600/2900

Filed: 16 August 1999

For: **SINGLE-PHASE AMPLIFICATION OF NUCLEIC ACIDS**

PATENT OFFICE FEE TRANSMITTAL LETTER

Commissioner for Patents
Washington, D.C. 20231

Sir:

The following fees are to be charged to the undersigned's Deposit Account No. 50-1067 in connection with the filing of the attached papers:

CPA Application Filing Fee	\$782.00
Petition for One Month Extension of Time Fee.....	\$110.00
Total fees	\$892.00

If there are any further fees due in connection with the filing of the present reply, please charge the fees to undersigned's Deposit Account No. 50-1067. If a fee is required for an extension of time not accounted for, such an extension is requested and the fee should also be charged to undersigned's deposit account.

Respectfully submitted,

Don J. Peltó
Reg. No. 33,754

Date: 27 July 2001

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